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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P.NPD(MD)No.459 of 2006

The Manager,
Canara Bank,
Bodinayakanoor Branch.

... Petitioner

Vs.

1.R.V.Murugan
2.R.V.Palani Andavar

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decretal order dated 26.09.2005 and made in I.A.No.797 of 2003 in O.S.No.116 of 1992 passed by the Sub Judge, Periyakulam.

For Petitioner : No appearance
For Respondents : Mr.A.Arumuga

ORDER

The Civil Revision petition seems to have been directed against the fair and decretal order dated 26.09.2005 made in I.A.No.797 of 2003 in O.S.No.116 of 1992 on the file of the learned Subordinate Judge, Periyakulam.

2.It is seen that the revision petitioner / Canara Bank had filed a suit in O.S.No.116 of 1992 as against the respondents seeking the relief of recovery of a sum of Rs.1,61,762.68/- with interest at the rate of 14.5% per annum from the date of filing the appeal till the date of realization based on the equitable mortgage created by the respondents.

3.It is also revealed from the records that in the said suit, a preliminary decree was passed and in order to file a final decree, the plaintiff / Bank had filed an application in I.A.No.797 of 2003 with a delay of 2639 days under Section 5 of Limitation Act. The petition was dismissed on 26.09.2005. Challenging the correctness of the said order, the plaintiff / Bank has filed the above said revision.

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4.When the matter is taken up for hearing today, there is no representation for the revision petitioner. But, Mr.A.Arumugam, learned counsel representing for Ajmal Associates has submitted that the respondents had deposited the decree amount and after accepting the said amount, the revision petitioner / Bank had also issued a letter of acknowledgment. In this connection, he has produced an additional typed set of papers containing an offer letter issued by the respondents, deposit receipts dated 06.05.2014 and 04.06.2014 and the settlement of acknowledge letter issued by the revision petitioner / Bank. In page No.3 of the typed set of papers, the letter dated 17.10.2015 issued by the revision petitioner / Bank is available wherein, they have stated that "We inform you the following regarding the subject matter. The subject loan amount was settled by way of one time settlement and the account remains closed or resolved in our books as on date."

5.Based on the letter of acknowledgment issued by the revision petitioner / bank, this Civil Revision petition is disposed of. The letter of acknowledgment is taken on record. Accordingly, the Civil Revision petition is disposed of. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

nbj
To
The Subordinate Judge, Periyakulam.

+1CC to Mr.Ajmal Associates Advocates Sr.No.69427

GJM/GSV/AN/31.12.2015-2P-3C

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